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			SERRAO, RANODHI N	
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			2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/068,702

Applicant(s)

LAUMEN ET AL.

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/19/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 11, 12, 14-17, 19, 22-24, 26-28, 35-41, 44-49, and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Ouchi (6,170,002).

3. As per claims 1 and 51, Ouchi teaches a method for accessing a first MMS multimedia message, the first message being sent to a receiving application using a sending application, which may include a network VAS application (col. 4, lines 51-67), the method comprising the steps of: defining a second MMS multimedia message which contains a manipulation instruction for manipulating the first message (col. 19, lines 63-67); and enabling manipulative access to the first message, wherein the second message is at least one of created, sent, received, forwarded and processed in instruction (col. 20, lines 1-25).

4. As per claim 2, Ouchi teaches a method for accessing a first message, the message further comprising the step of sending both the first message and the second message via at least one of: radio, using mobile radio systems; inter-operator IP backbone; Internet e-mail; and over the Internet (col. 20, lines 26-41).

5. As per claim 3, Ouchi teaches a method for accessing a first message, the method further comprising the step of sending both the first message and the second message to the receiving application via at least one sender-end network element associated with a first service provider and at least one recipient-end network element associated with a second service provider (col. 4, lines 51-67).
6. As per claim 4, Ouchi teaches a method for accessing a first message, wherein the at least one sender-end network element and the at least one recipient-end network element belong to an area of competence of a single service provider (col. 20, lines 42-54).
7. As per claim 5, Ouchi teaches a method for accessing a first message, wherein the sending application and the receiving application are identical (col. 7, lines 1-21).
8. As per claim 6, Ouchi teaches a method for accessing a first message, wherein the manipulative access to the first message is effected on at least one of a sender-end network element, a recipient-end network element and the receiving application (col. 20, lines 26-41).
9. As per claim 7, Ouchi teaches a method for accessing a first message, wherein the manipulation instruction effects at least one of recall and deletion of the first message (col. 5, lines 1-21).
10. As per claim 8, Ouchi teaches a method for accessing a first message, wherein the manipulation instruction effects replacing the first message with the second message (col. 21, line 60-col. 22, line 27).

11. As per claim 11, Ouchi teaches a method for accessing a first message as claimed in claim 1, the method further comprising the step of sending the second message to a recipient of the first message, with the first message being identified via an identification number which clearly identifies the first message between the sending application and a sender-end network element (col. 8, lines 30-51).

12. As per claim 12, Ouchi teaches a method for accessing a first message, the method further comprising the step of providing a sender-end network element, via the sending application, when a message is sent, with at least one of: a flag indicating that the second message is a manipulation instruction; an identification number of the first message needing to be manipulated (col. 4, lines 25-50); and information that the sender is requesting feedback about an outcome of the initiated manipulation (col. 10, lines 17-38).

13. As per claim 14, Ouchi teaches a method for accessing a first message, the method further comprising the step of providing a recipient-end network element, via a sender-end network element, if the sending application and the receiving application belong to different MMS environments (col. 1, line 51-col. 2, line 9), with at least one of: a flag indicating that the second message is a manipulation instruction; an identification number of the first message needing to be manipulated (col. 4, lines 25-50); and information that the sender is requesting feedback about an outcome of the initiated manipulation (col. 10, lines 17-38).

14. As per claim 15, Ouchi teaches a method for accessing a first message, the method further comprising the step of executing, via network elements associated with

different service providers, one-to-one, reversible conversion of identification numbers relating to at least one of the first message and the second message, and managing corresponding information (col. 14, lines 5-23).

15. As per claim 16, Ouchi teaches a method for accessing a first message, wherein, upon a manipulation instruction including a deletion command, when the receiving application has not yet been notified about the first message, the first message is deleted in one of an MMS environment of a sender-end service provider and in an area of competence of a recipient-end service provider, with the receiving application not be informed about the manipulation (col. 6, line 61-col. 7, line 21).

16. As per claim 17, Ouchi teaches a method for accessing a first message, wherein, upon a manipulation instruction when notification has been given at a reception end but the first message has not yet been downloaded, the first message is manipulated in an MMS environment of a reception-end service provider, with the receiving application being informed about the manipulation and a time of the manipulation (col. 8, lines 30-50).

17. As per claims 19 and 22, Ouchi teaches a method for accessing a first message, the method further comprising the step of providing the receiving application in a notification, via a recipient-end network element, at least one of: information that the first message, which has been announced but not yet delivered, is no longer available for download and possibly has been replaced with the second message, at least one of the first message and the second message being identified using a URI; information that a sender which manipulate the first message which has already been delivered, the first

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message being identified on the receiving application using a message reference which is a URI whose memory location stores a standard text message from a recipient-end service provider, the URI including one of an identification number of the first message and a second identification number stipulated by a recipient-end network element; notification relating to manipulation of the first message by a service provider; notification relating to execution of a manipulation and, if requested by a recipient, relating to an unavailability of a manipulated message (col. 20, line 55-col. 21, line 11); a flag indicating that the second message contains a manipulation instruction needing to be carried out on the receiving application; information regarding which message already delivered needs to be manipulated; information regarding when a manipulation was carried out (col. 4, lines 25-50); information that a delivered second message is a subsequently replaced message; and information regarding a type of manipulation to be carried out (col. 10, lines 17-38).

18. As per claim 23, Ouchi teaches a method for accessing a first message, wherein the second message includes at least one information element which has been assigned by the sending application and contains at least one condition for executing the manipulative access (col. 17, lines 24-48).

19. As per claim 24, Ouchi teaches a method for accessing a first message, wherein the at least one information element indicates the manipulative access based on an editing status of the first message (col. 7, lines 22-32).

20. As per claim 26, Ouchi teaches a method for accessing a first message, wherein the information element is assigned a default value representing a manipulation based

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on a default value if there is no condition stated in more precise terms (col. 6, lines 16-25).

21. As per claim 27, Ouchi teaches a method for accessing a first message, wherein at least one service provider involved in sending the first message and the second message limits the manipulation instruction to one of the service provider's own domains and certain domains of other service providers using one of an identification for a recipient and an additional flag (col. 20, lines 1-25).

22. As per claim 28, Ouchi teaches a method for accessing a first message, the method further comprising the step of assigning to the second message, containing the manipulation instruction, sent to a sender-end network element by the sending application, at least one of the following conditions for manipulating the first message: manipulation only before the recipient is notified; manipulation only before download, and after a notification has been sent; manipulation only if the first message has not yet been opened; and manipulation irrespective of an editing status of the first message (col. 20, lines 1-25).

23. As per claim 35, Ouchi teaches a telecommunication device for accessing a first MMS multimedia message, the first multimedia message being sent to a receiving application using the sending application, which may include a network VAS application, the telecommunication device comprising: means for at least one of creating, sending, receiving and processing the first message (col. 19, lines 63-67); and means for at least one of creating, sending, receiving and processing a second MMS multimedia message,



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the second message including a manipulation instruction for manipulating the previously sent first message (col. 20, lines 1-25).

24. As per claim 36, Ouchi teaches a telecommunication device, further comprising a transmission unit which is connectable to the sending application (col. 4, lines 14-24).

25. As per claim 37, Ouchi teaches a telecommunication device, further comprising a reception unit which is connectable to the receiving application (col. 4, lines 25-50).

26. As per claim 38, Ouchi teaches a telecommunication device, further comprising a processor unit for evaluating notifications from a sender-end network element regarding at least one of support of the manipulation instruction, successful execution of the manipulation instruction, and reasons for unsuccessful execution of the manipulation instruction (col. 15, line 59-col. 16, line 18).

27. As per claim 39, Ouchi teaches a telecommunication device, further comprising a processor unit for evaluating notifications from a recipient-end network element about information regarding execution of the manipulation instruction (col. 11, lines 29-36).

28. As per claim 40, Ouchi teaches a telecommunication device, wherein the transmission unit sends notifications to a recipient-end network element regarding at least one of successful execution of the manipulation instruction and reasons for unsuccessful execution of the manipulation instruction (col. 12, lines 36-51).

29. As per claim 41, Ouchi teaches a telecommunication device, wherein the telecommunication device is a mobile telephone having a transmission unit and a reception unit (col. 17, line 61-col. 18, line 18).

30. As per claim 44, Ouchi teaches a telecommunication device, further comprising: means for producing an information element; and means for assigning the information element to the second message by the sending application, the information element containing at least one condition for executing the manipulative access (col. 7, lines 50-59).

31. As per claims 45 and 48, Ouchi teaches a telecommunication device, further comprising means for executing the manipulative instruction (col. 9, lines 58-67).

32. As per claim 46, Ouchi teaches a network element in a radio communication system for network execution of a method for accessing a first MMS multimedia message, the first message being sent to a receiving application using a sending application, which may include a network VAS application, the network element comprising: means for receiving and forwarding the first message sent by a telecommunication device (col. 20, lines 1-25); and means for at least one of receiving, processing and forwarding a second MMS multimedia message containing a manipulation instruction relating to the first message to enable manipulative access to the first message (col. 19, lines 62-67).

33. As per claim 47, Ouchi teaches a network element, further comprising means for at least one of receiving and forwarding, and producing and sending, notifications to at least one of another network element, the sending application and the receiving application, the notifications relating to at least one of a sender's stipulated conditions for executing the manipulation instruction specified in the second message, successful

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execution of the manipulation instruction, and reasons for unsuccessful execution of the manipulation instruction (col. 1, line 51-col. 2, line 9).

34. As per claim 49, Ouchi teaches a network element, wherein the first message can be manipulated on at least one of a network element and a receiving application in a reception unit (col. 4, lines 25-50).

***Claim Rejections - 35 USC § 103***

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claims 9, 10, 13, 18, 20, 21, 25, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi as applied to claims 1, 3, 4, and 8 above, and further in view of Petty (5,623,538).

37. As per claim 9, Ouchi teaches the mentioned limitations of claims 1, 3, 4, and 8 above but fails to teach a method for accessing a first message, wherein, if a Replace instruction is not supported by at least one of the service providers' MMS environments, the second message is delivered to the receiving application as a normal message, and the sender is informed of the delivery. However, Petty teaches a method for accessing a first message, wherein, if a Replace instruction is not supported by at least one of the service providers' MMS environments, the second message is delivered to the receiving application as a normal message, and the sender is informed of the delivery (see Petty,

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col. 2, line 48-col. 3, line 13). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a method for accessing a first message, wherein, if a Replace instruction is not supported by at least one of the service providers' MMS environments, the second message is delivered to the receiving application as a normal message, and the sender is informed of the delivery in order to provide a messaging service that is distributed and yet can utilize the existing public telephone network or a private telephone network without modifications being made to that network (see Petty, col. 1, lines 38-41).

38. As per claim 10, Ouchi teaches the mentioned limitations of claims 1, 3, 4, and 8 above but fails to teach a method for accessing a first message, wherein, given a Replace instruction, the second message is downloaded in one of a PUSH mode and a PULL mode. However, Petty teaches a method for accessing a first message, wherein, given a Replace instruction, the second message is downloaded in one of a PUSH mode and a PULL mode (see Petty, col. 2, line 48-col. 3, line 13). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a method for accessing a first message, wherein, given a Replace instruction, the second message is downloaded in one of a PUSH mode and a PULL mode in order to provide a messaging service that is distributed and yet can utilize the existing public telephone network or a private telephone network without modifications being made to that network (see Petty, col. 1, lines 38-41).

39. As per claim 13, Ouchi teaches the mentioned limitations of claim 1 above but fails to teach a method for accessing a first message, the method further comprising the

step of providing the sending application, via a sender-end network element, information regarding at least one of whether the network element supports manipulation of the first message, and whether the manipulation instruction has been accepted by a service provider associated with the sending application. However, Petty teaches a method for accessing a first message, the method further comprising the step of providing the sending application, via a sender-end network element, information regarding at least one of whether the network element supports manipulation of the first message, and whether the manipulation instruction has been accepted by a service provider associated with the sending application (see Petty, col. 5, lines 15-51). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a method for accessing a first message, the method further comprising the step of providing the sending application, via a sender-end network element, information regarding at least one of whether the network element supports manipulation of the first message, and whether the manipulation instruction has been accepted by a service provider associated with the sending application in order to provide a messaging service that is distributed and yet can utilize the existing public telephone network or a private telephone network without modifications being made to that network (see Petty, col. 1, lines 38-41).

40. As per claim 18, Ouchi teaches the mentioned limitations of claim 1 above but fails to teach a method for accessing a first message, wherein, upon a manipulation instruction when notification has been given at a reception end but the first message has not yet been downloaded, the first message is manipulated in an MMS environment

of a sender-end service provider, with the receiving application not be informed about the manipulation. However, Petty teaches a method for accessing a first message, wherein, upon a manipulation instruction when notification has been given at a reception end but the first message has not yet been downloaded, the first message is manipulated in an MMS environment of a sender-end service provider, with the receiving application not be informed about the manipulation (see Petty, col. 3, line 43-col. 4, line 19). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a method for accessing a first message, wherein, upon a manipulation instruction when notification has been given at a reception end but the first message has not yet been downloaded, the first message is manipulated in an MMS environment of a sender-end service provider, with the receiving application not be informed about the manipulation in order to obtain the broadcast message when their users wish to playback the broadcast message (see Petty, col. 4, lines 20-46).

41. As per claims 20, 21, and 25, Ouchi teaches the mentioned limitations of claim 1 above but fails to teach a method for accessing a first message, the method further comprising the step of providing a recipient-end network element, via the receiving application, upon the receiving application having been notified of the second message, with at least one of: information regarding whether the receiving application has understood that the first message, previously announced, has been successfully manipulated; information regarding whether the first message already downloaded was able to be manipulated successfully; information regarding at least one of whether a

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recipient has been informed about the already downloaded message having been manipulated, and whether the recipient has agreed to the already downloaded message having been manipulated; a reason for unsuccessful execution in the event of failure; information regarding whether, upon a Replace instruction, the already downloaded first message has been one of replaced automatically and replaced after prompting by the recipient; and information regarding a type of manipulation to be carried out. However, Petty teaches a method for accessing a first message, the method further comprising the step of providing a recipient-end network element, via the receiving application, upon the receiving application having been notified of the second message, with at least one of: information regarding whether the receiving application has understood that the first message, previously announced, has been successfully manipulated; information regarding whether the first message already downloaded was able to be manipulated successfully; information regarding at least one of whether a recipient has been informed about the already downloaded message having been manipulated (see Petty, col. 4, line 47-col. 5, line 14), and whether the recipient has agreed to the already downloaded message having been manipulated; a reason for unsuccessful execution in the event of failure; information regarding whether, upon a Replace instruction, the already downloaded first message has been one of replaced automatically and replaced after prompting by the recipient; and information regarding a type of manipulation to be carried out (see Petty, col. 4, lines 20-46). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a method for accessing a first message, the method further comprising the step of providing a

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recipient-end network element, via the receiving application, upon the receiving application having been notified of the second message, with at least one of: information regarding whether the receiving application has understood that the first message, previously announced, has been successfully manipulated; information regarding whether the first message already downloaded was able to be manipulated successfully; information regarding at least one of whether a recipient has been informed about the already downloaded message having been manipulated, and whether the recipient has agreed to the already downloaded message having been manipulated; a reason for unsuccessful execution in the event of failure; information regarding whether, upon a Replace instruction, the already downloaded first message has been one of replaced automatically and replaced after prompting by the recipient; and information regarding a type of manipulation to be carried out in order to store a message on a third terminal which has the capacity to store messages if the originating communication terminal cannot store messages (see Petty, abstract).

42. As per claim 29, Ouchi teaches the mentioned limitations of claim 1 above but fails to teach a method for accessing a first message, the method further comprising the step of notifying the sending application, via a sender-end network element, upon a confirmation after sending one of the first message and the second message, of whether the network element supports conditional manipulation and whether the conditional manipulation instruction has been accepted by the sender-end service provider. However, Petty teaches a method for accessing a first message, the method further comprising the step of notifying the sending application, via a sender-end



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network element, upon a confirmation after sending one of the first message and the second message, of whether the network element supports conditional manipulation and whether the conditional manipulation instruction has been accepted by the sender-end service provider (see Petty, col. 5, lines 14-51). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a method for accessing a first message, the method further comprising the step of notifying the sending application, via a sender-end network element, upon a confirmation after sending one of the first message and the second message, of whether the network element supports conditional manipulation and whether the conditional manipulation instruction has been accepted by the sender-end service provider in order to store a message on a third terminal which has the capacity to store messages if the originating communication terminal cannot store messages (see Petty, abstract).

43. As per claim 30, Ouchi teaches the mentioned limitations of claim 1 above but fails to teach a method for accessing a first message, the method further comprising the step of transmitting to a recipient-end network element, via a sender-end network element, if the sending application and the receiving application belong to different MMS environments of service providers, at least one of the following conditions regarding manipulation of the first message by the second message: manipulation only before the recipient is notified; manipulation only before download, and after a notification has been sent; manipulation only if the first message has not yet been opened; and manipulation irrespective of an editing status of the first message. However, Petty teaches a method for accessing a first message, the method further comprising the step

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of transmitting to a recipient-end network element, via a sender-end network element, if the sending application and the receiving application belong to different MMS environments of service providers, at least one of the following conditions regarding manipulation of the first message by the second message: manipulation only before the recipient is notified; manipulation only before download, and after a notification has been sent; manipulation only if the first message has not yet been opened; and manipulation irrespective of an editing status of the first message (see Petty, col. 6, line 45-col. 7, line 34). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a method for accessing a first message, the method further comprising the step of transmitting to a recipient-end network element, via a sender-end network element, if the sending application and the receiving application belong to different MMS environments of service providers, at least one of the following conditions regarding manipulation of the first message by the second message: manipulation only before the recipient is notified; manipulation only before download, and after a notification has been sent; manipulation only if the first message has not yet been opened; and manipulation irrespective of an editing status of the first message in order to provide a messaging service that is distributed and yet can utilize the existing public telephone network or a private telephone network without modifications being made to that network (see Petty, col. 1, lines 38-41).

44. As per claim 31, Ouchi teaches the mentioned limitations of claim 1 above but fails to teach a method for accessing a first message, the method further comprising the step of transmitting to the receiving application, via a recipient-end network element, at

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least one of the following conditions regarding manipulation of the first message by the second message, upon notification about the second message having arrived:

manipulation only before the recipient is notified; manipulation only before download, and after a notification has been sent; manipulation only if the first message has not yet been opened; and manipulation irrespective of an editing status of the first message.

However, Petty teaches a method for accessing a first message, the method further comprising the step of transmitting to the receiving application, via a recipient-end network element, at least one of the following conditions regarding manipulation of the first message by the second message, upon notification about the second message having arrived: manipulation only before the recipient is notified; manipulation only before download, and after a notification has been sent; manipulation only if the first message has not yet been opened; and manipulation irrespective of an editing status of the first message (see Petty, col. 6, line 45-col. 7, line 34). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a method for accessing a first message, the method further comprising the step of transmitting to the receiving application, via a recipient-end network element, at least one of the following conditions regarding manipulation of the first message by the second message, upon notification about the second message having arrived: manipulation only before the recipient is notified; manipulation only before download, and after a notification has been sent; manipulation only if the first message has not yet been opened; and manipulation irrespective of an editing status of the first message in order to provide a messaging service that is distributed and yet can utilize the existing

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public telephone network or a private telephone network without modifications being made to that network (see Petty, col. 1, lines 38-41).

45. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi as applied to claim 1 above, and further in view of Aho (2001/0005675). Ouchi teaches the mentioned limitations of claim 1 above but fails to teach a method for accessing a first message, wherein the first message and the second message are sent, received and manipulated using WAP messages. However, Aho teaches a method for accessing a first message, wherein the first message and the second message are sent, received and manipulated using WAP messages (see Aho, paragraph 82). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a method for accessing a first message, wherein the first message and the second message are sent, received and manipulated using WAP messages in order to inquire about information relating to a terminal (MS) of a cellular network, from the cellular network from a messaging server (MMSC) external to the cellular network (see Aho, abstract).

46. Claims 33, 34, 43, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi as applied to claims 1, 35, and 46 above, and further in view of Lahr (2002/0040404).

47. As per claims 33, 43, and 50, Ouchi teaches the mentioned limitations of claims 1, 35, and 46 above but fails to teach a method for accessing a first message, wherein

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the manipulation instructions are implemented by at least one of modifying existing header fields and adding additional header fields in WAP messages based on a WAP-MMSEncapsulation Standard, the WAP messages including at least one of M-send.req, M-Send.conf, M-Notification.ind, M-NotifyResp.req, M-Retrieve.conf, M-Acknowledge.ind, and M-Delivery.ind. However, Lahr teaches a method for accessing a first message, wherein the manipulation instructions are implemented by at least one of modifying existing header fields and adding additional header fields in WAP messages based on a WAP-MMSEncapsulation Standard, the WAP messages including at least one of M-send.req, M-Send.conf, M-Notification.ind, M-NotifyResp.req, M-Retrieve.conf, M-Acknowledge.ind, and M-Delivery.ind (see Lahr, paragraph 60). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a method for accessing a first message, wherein the manipulation instructions are implemented by at least one of modifying existing header fields and adding additional header fields in WAP messages based on a WAP-MMSEncapsulation Standard, the WAP messages including at least one of M-send.req, M-Send.conf, M-Notification.ind, M-NotifyResp.req, M-Retrieve.conf, M-Acknowledge.ind, and M-Delivery.ind in order to perform the mirroring or data replication for applications that write to a disk at different or slower rates than other applications in the network (see Lahr, Abstract).

48. As per claim 34, Ouchi teaches the mentioned limitations of claim 1 above but fails to teach a method for accessing a first message, the method further comprising the step of identifying the first message for feedback about a result of the manipulation instruction using one of an identification number of the second message and transaction

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identification numbers of corresponding WAP messages, and an additional header field with field values for the new header field containing an identification number of the first message. However, Lahr teaches a method for accessing a first message, the method further comprising the step of identifying the first message for feedback about a result of the manipulation instruction using one of an identification number of the second message and transaction identification numbers of corresponding WAP messages, and an additional header field with field values for the new header field containing an identification number of the first message (see Lahr, paragraph 65). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a method for accessing a first message, the method further comprising the step of identifying the first message for feedback about a result of the manipulation instruction using one of an identification number of the second message and transaction identification numbers of corresponding WAP messages, and an additional header field with field values for the new header field containing an identification number of the first message in order to perform the mirroring or data replication for applications that write to a disk at different or slower rates than other applications in the network (see Lahr, Abstract).

49. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi as applied to claim 35 above, and further in view of LaPorta et al. (5,918,158). Ouchi teaches the mentioned limitations of claim 35 above but fails to teach a telecommunication device, wherein the telecommunication device is a network element

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holding a VAS application. However, LaPorta teaches a telecommunication device, wherein the telecommunication device is a network element holding a VAS application (see LaPorta, col. 10, lines 41-51). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ouchi to a telecommunication device, wherein the telecommunication device is a network element holding a VAS application in order to receive, route, track and forward messages through the messaging network to intended message destination addresses using a plurality of intelligent servers located within the messaging network for (see LaPorta, Abstract).

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references are disclosed in the Notice of References Cited and teach numerous other ways of implementing a method for accessing messages, and associated apparatuses and software programs, thus a close review of them is suggested.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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